

REMARKS

The present application includes pending claims 1-34, all of which have been rejected. Claims 28 and 32 have been amended to correct minor typographical errors.

Claims 27 and 31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description because the specification allegedly does not describe, a “‘third home’ and media ‘from a third home.’” *See* January 29, 2009 Office Action at page 2. The Applicants respectfully submit, however, that the specification does, in fact, provide support for this limitation. For example, the specification states that “[t]ransfer of the media from the first location to **one or more other locations**....” *See* present application at [0009] (emphasis added). The first location may be a “user’s home....” *See id.* at [0028]. “The remote location 102 may include, for example, an office, a parent’s home, and/or a friend’s home.” *See id.* at [0028]. Further, the “exchange of media may take place between various system components or entities. For example, the exchange of media may take place between two or more media peripherals 110, 111, 112, 113 such as digital cameras and PDAs, cell phones and digital cameras.” *See id.* at [0039]. Also, for example, a “third... party may subsequently transfer or push detailed advertisement media, for example, to the media processing system 116 at the first location or user’s home 101 via the communication infrastructure 105.” *See id.* at [0045]. As shown in these examples, the specification of the present application provides support for a “third home” and “media from a third home.” Thus, the Applicants respectfully request reconsideration of this claim rejection.

Claims 28 and 32 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description because “both of a media peripheral” is allegedly not disclosed in the specification. See January 29, 2009 Office Action at pages 2-3. The Applicants respectfully disagree. Initially, the claims recite, in part, “wherein said television transfers–stored media to one or both of a media peripheral located at said first home and/or another media peripheral remotely located with respect to said first home.” Thus, the claims are clear that the television transfers media to a media peripheral at the first home and/or another media peripheral remotely located from the first home. These limitations are clearly described in the specification at, for example, [0040] (“The exchange of media may also take place between a television and one **or more** media peripherals 110, 111, 112, 113 or media storage devices 103, 106, 107.”) See *also id.* at Figure 1. Thus, for at least these reasons, the Applicants respectfully request reconsideration of this claim rejection.

Claims 1-6, 8-15 and 17-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,915,528 (“McKenna”). Claims 7, 17, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McKenna in view of ReplayTV 4000 User Guide, published by Sonicblue Incorporated (hereinafter, Sonicblue). Claims 27-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna in view U.S. 2002/0147975 (“Seo”). The Applicants respectfully traverse these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

“A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in **a single prior art reference.**” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). “The **identical** invention must be shown in as complete detail as is contained in ... the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).”

Claim 1 recites, in part, “transferring the media from a first media processing device at a first geographic location that is remotely located from the home location to at least a second media processing device at a second geographic location that is also remotely located from the home location according to said controlling communication **from said television in the home location.**”

As shown above, the claim is clear that the first and second locations are both remotely located from the home location. Therefore, the claim recites three different locations: **(1)** the home location, **(2)** the first geographic location, and **(3)** the second geographic location, each of which is separate and distinct from one another. Further, the television in the **home location** provides the controlling communication to transfer media from the first geographic location to the second geographic location.

Note, claim 1 does **not** recite that media is being transferred from the home location to the first or second geographic location. Instead, the television in the home location provides controlling of communication that result in the transfer of media from the first location to the second location.

The Applicants now turn to McKenna. That reference relates to a system and method aimed at providing “convenient access to available programming within an entertainment system without requiring the use of a conventional grid-based EPG.” See McKenna at column 1, lines 56-60. McKenna discloses that a “record action may be propagated from the selected PIO to all of the PIOs linked to the selected PIO.” See *id.* at column 4, lines 7-9. In stark contrast to claim 1, while McKenna discloses that one PIO may propagate a “record action” to other PIOs, McKenna does not describe, teach or suggest that media is being sent between locations (*e.g.*, from a first geographic location to a second location) based on a command from a separate location (*e.g.*, a home location). Indeed, McKenna discloses “broadcast center 110” that broadcasts programming. See *id.* at column 6, lines 7-10.

McKenna also discloses the following:

As shown in FIG. 15, PIOs 502 may be transmitted from one system to another. For example, a PIO 502a may be transmitted via the network 101 to second STB 102b. ...

In the illustrated embodiment, a user of the source STB 102a may select the visual indicator 508a of PIO 502a. Thereafter, the user may select, for example, the send action 504f from the context-sensitive menu 802. The send action 504f may include code for interacting with the communication component 1502 to transmit a copy of the PIO 502a to the destination 102b.

Id. at column 15, line 66 to column 16, line 21. When read in conjunction with Figure 15, to which this description pertains, it is clear that the visual indicator 508a stored on STB 102a (and being shown in television 104 connected to STB 102a) is being sent from STB 102a to STB 102b. **However, McKenna does not describe, teach or**

suggest that one location is commanding media to be sent from STB 102a to 102b, or vice versa.

The Office Action has not cited to anything in McKenna that describes, teaches or suggests that is media is sent from one location to another based on a command from a location that is separate, distinct and remote from the first two locations. Indeed, there simply is nothing in McKenna that describes, teaches or suggest such an arrangement.

In general, the Applicants respectfully submit that McKenna does not describe, teach or suggest “transferring the media from a first media processing device at a first geographic location that is remotely located from the home location to at least a second media processing device at a second geographic location that is also remotely located from the home location according to said controlling communication from said television in the home location,” as recited in claim 1 or 11, for example.

McKenna also does not describe, teach or suggest “a television within a media processing system at a home location that is remotely located from the first geographic location, said television is utilized to arrange media delivery from a second geographic location that is remotely located from said home location to the media peripheral at the first geographic location for playback on said media peripheral,” as recited in independent claim 21.

Thus, for at least these reasons, McKenna does not anticipate claims 1-6, 8-15 and 17-24. The proposed combination of McKenna and Sonicblue does not render claims 7, 17, 25 and 26 for at least these reasons, as well.

The Applicants next turn to the rejection of claims 27-34 as being unpatentable over McKenna in view of Seo. The Office Action asserts that McKenna discloses all the limitations of claim 27 and 31 except “where said third location, the source of the media, is another home.” See January 29, 2009 Office Action at page 8. However, as detailed above, McKenna does not describe, teach or suggest delivery of media from one location to another through commands from a location that is separate, distinct and remote from the first two locations, regardless of whether those locations are homes or not. In short, the proposed combination of McKenna and Seo does not describe, teach or suggest “a television, within a media processing system, located **at a second home** that is remotely located from **the first home**, wherein said television is utilized to arrange delivery of media **from a third home** that is remotely located from said first and second homes to said media peripheral at said first home,” as recited in independent claim 27. Thus, the Applicants respectfully submit that the proposed combination of McKenna and Seo does not render claims 27-34 unpatentable for at least these reasons.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a future rejection).

The Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can

be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicants.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: April 28, 2009

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100